

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

David Richard Diller Jr.
Debtor(s)

Bankruptcy Case No.: 19-21358-CMB
Issued Per Oct. 24, 2019 Proceeding
Chapter: 13
Docket No.: 50 – 23, 44
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated April 29, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$2,431 as of November 2019. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: I.R.S. at Claim No. 3; Wells Fargo Bank at Claim No. 4; Butler County Tax Claim Bureau at Claim No. 7 plus 2019 taxes per plan .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: October 28, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 David Richard Diller, Jr.
 Debtor

Case No. 19-21358-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

Page 1 of 2
 Total Noticed: 33

Date Rcvd: Oct 28, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 30, 2019.

db
 cr
 15042700 +David Richard Diller, Jr., 575 Sarver Rd, Sarver, PA 16055-9222
 15042699 +Peoples Gas Company LLC, f/k/a Peoples TWP LLC, c/o S. James Wallace, P.C.,
 845 N. Lincoln Ave., Pittsburgh, PA 15233-1828
 15042701 +ATI Benefits Center, 12421 Meredith Drive, Urbandale, IA 50398-9001
 +Armstrong Cable Services, 437 N. Main St., Butler, PA 16001-4358
 15042702 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank of America, P.O. Box 982235, El Paso, TX 79998-2235)
 15042703 BHS Dermatology, P.O. Box 1549, Suite 701, Butler, PA 16003-1549
 15042704 +Butler County Tax Claim Bureau, P.O. Box 1208, Butler, PA 16003-1208
 15042706 Butler Medical Providers, PO Box 1549, Butler, PA 16003-1549
 Chase, P.O. Box 15298, Wilmington, DE 19850-5298
 15035426 ++DELL FINANCIAL SERVICES, P O BOX 81577, AUSTIN TX 78708-1577
 (address filed with court: Dell Financial Services, LLC, Resurgent Capital Services,
 PO Box 10390, Greenville, SC 29603-0390)
 15042709 +Freeport EMS, P.O. Box 158, Freeport, PA 16229-0158
 15042713 Macy's Visa, P.O. Box 8218, Mason, OH 45040-8218
 15042714 Mirand Response Systems, Inc., P.O. Box 219050, Houston, TX 77218-9050
 15042715 +National Enterprise Systems, 2479 Edison Blvd., Unit A, Twinsburg, OH 44087-2476
 15042718 +PNC Bank, P.O. Box 747032, Pittsburgh, PA 15274-7032
 15042717 PNC Bank, P.O. Box 5570, Cleveland, OH 44101-0570
 15042719 +PNC Bank NA, PO Box 94982, Cleveland, OH 44101-4982
 15026153 +Peoples Gas Bankruptcy Dept., Attn. Dawn Linder, 375 North Shore Drive, Suite 600,
 Pittsburgh, PA 15212-5866
 15040682 +Peoples Gas Company LLC, f/k/a Peoples TWP LLC, c/o S. James Wallace, P.C.,
 845 N. Lincoln Avenue, Pittsburgh, PA 15233-1828
 15042720 Sears Charge Plus, P.O. Box 183081, Columbus, OH 43218-3081
 15042723 Wells Fargo Auto Finance, PO Box 19657, Irvine, CA 92623-9657
 15051967 +Wells Fargo Bank N.A., d/b/a Wells Fargo Auto, PO Box 130000, Raleigh NC 27605-1000

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

15042705 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Oct 29 2019 03:08:49 Capital One Bank,
 P.O. Box 5155, Norcross, GA 30091
 15042707 E-mail/PDF: DellBKNotifications@resurgent.com Oct 29 2019 03:09:29 Dell Preferred Account,
 Payment Processing Center, P.O. Box 6403, Carol Stream, IL 60197-6403
 15042708 E-mail/Text: mrdiscen@discover.com Oct 29 2019 03:10:48 Discover, P.O. Box 15251,
 Wilmington, DE 19886-5251
 15042710 E-mail/Text: cio.bncmail@irs.gov Oct 29 2019 03:10:59 Internal Revenue Service,
 Centralized Insolvency Operation, PO Box 7346, Philadelphia, PA 19101-7346
 15042712 E-mail/PDF: gecsed@recoverycorp.com Oct 29 2019 03:09:48 JC Penney/SYNCHB,
 P.O. Box 965007, Orlando, FL 32896-5007
 15068174 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Oct 29 2019 03:31:30
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 15042721 +E-mail/Text: EBankruptcy@UCFS.NET Oct 29 2019 03:12:27 United Consumer Financial Services,
 865 Bassett Road, Westlake, OH 44145-1194
 15042722 E-mail/Text: bnc@alltran.com Oct 29 2019 03:10:50 United Recovery Services, Inc.,
 P.O. Box 722929, Houston, TX 77272-2929
 15042724 E-mail/Text: bankruptcy@firstenergycorp.com Oct 29 2019 03:11:41 West Penn Power,
 P. O. Box 3687, Akron, OH 44309-3687
 15052159 +E-mail/Text: bankruptcy@firstenergycorp.com Oct 29 2019 03:11:41 West Penn Power,
 5001 NASA Blvd, Fairmont WV 26554-8248
 15042725 E-mail/Text: ebankruptcy@woodforest.com Oct 29 2019 03:11:59 Woodforest National Bank,
 P.O. Box 7889, Spring, TX 77387-7889

TOTAL: 11

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr
 15042711* PNC BANK NATIONAL ASSOCIATION
 +Internal Revenue Service, Insolvency Operation, Room 711B, 1000 Liberty Ave,
 Pittsburgh, PA 15222-4107
 15042716* +Peoples Gas Bankruptcy Dept., Attn. Dawn Linder, 375 North Shore Drive, Suite 600,
 Pittsburgh, PA 15212-5866

TOTALS: 1, * 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0315-2

User: jhel
Form ID: 149

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Total Noticed: 33

Date Rcvd: Oct 28, 2019

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 30, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 28, 2019 at the address(es) listed below:

Dai Rosenblum on behalf of Debtor David Richard Diller, Jr. Jody@dairosenblumbankruptcy.com,
pjbz@zoominternet.net; Dai@dairosenblumbankruptcy.com; Michael@dairosenblumbankruptcy.com
James Warmbrodt on behalf of Creditor PNC BANK NATIONAL ASSOCIATION bkgroup@kmlawgroup.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
S. James Wallace on behalf of Creditor Peoples Gas Company LLC, f/k/a Peoples TWP LLC
sjw@sjwpgh.com, srk@sjwpgh.com; PNGbankruptcy@peoples-gas.com

TOTAL: 5